



CUPERTINO

# CITY OF CUPERTINO

## AGENDA

### CITY COUNCIL

10350 Torre Avenue, Council Chamber

Tuesday, May 19, 2015

6:45 PM

#### PLEDGE OF ALLEGIANCE

#### ROLL CALL

#### CEREMONIAL MATTERS AND PRESENTATIONS

#### POSTPONEMENTS

#### ORAL COMMUNICATIONS

*This portion of the meeting is reserved for persons wishing to address the council on any matter not on the agenda. Speakers are limited to three (3) minutes. In most cases, State law will prohibit the council from making any decisions with respect to a matter not listed on the agenda.*

#### CONSENT CALENDAR

*Unless there are separate discussions and/or actions requested by council, staff or a member of the public, it is requested that items under the Consent Calendar be acted on simultaneously.*

1. Subject: Approve the May 2 City Council minutes  
Recommended Action: Approve minutes  
[A - Draft Minutes](#)
2. Subject: Approve the May 5 City Council minutes  
Recommended Action: Approve minutes  
[A - Draft Minutes](#)
3. Subject: Approval of the Third Quarter Financial Report for Fiscal Year 2014-2015 and increased budget appropriations  
Recommended Action: 1. Approve the Third Quarter Financial Report for Fiscal Year 2014-2015; and 2. Approve increased budget appropriations of \$170,000 for the Planning and Community Development, Municipal Code Enforcement budget

[Staff Report](#)[A - Third Quarter Financial Report for FY 2014-15](#)

4. Subject: Award of the Bubb, Elm & McClellan Storm Drain/Sanitary Sewer Improvement Project

Recommended Action: Authorize the City Manager to award a contract to Con-Quest Contractors Inc., in the amount of \$1,456,941 and approve a construction contingency of \$250,000, for a total of \$1,706,941

[Staff Report](#)[A - Draft Contract](#)

5. Subject: 2015 Pavement Maintenance Project - Phase 1, Project No. 2015-22

Recommended Action: Authorize the City Manager to award a contract to G. Bortolotto & Company, in the amount of \$5,716,278.39 and approve a construction contingency of \$571,000, for a total of \$6,287,278.39

[Staff Report](#)[A - List of Streets to Receive Pavement Maintenance Treatment](#)[B - Draft Contract](#)

## SECOND READING OF ORDINANCES

6. Subject: An ordinance amending Chapter 6.24 related to the collection of business generated organic waste; and amending Chapter 9.16 related to the separation and storage of solid waste

Recommended Action: Conduct the second reading and enact Ordinance No. 15-2130: "An Ordinance of the City of Cupertino amending Chapter 6.24 of Title 6 and Chapter 9.16 of Title 9 of the Cupertino Municipal Code relating to solid waste including organic waste"

[Staff Report](#)[A - Draft Ordinance - Redline version](#)[B - Draft Ordinance - Clean version](#)[C - Chamber's Support Letter](#)[D - Other Agencies' Organics Programs](#)

## PUBLIC HEARINGS

7. Subject: General Plan Amendment to: Item 7a) Adopt the Final 2014-2022 Housing Element; and Item 7b) Consider changes to citywide development allocations for office, commercial, and hotel uses, building planes, height limits. (Re-Agendized and re-noticed from the March 17, 2015 and April 21, 2015 meetings)

Recommended Action: Recommend that the City Council conduct a public hearing and take the following actions:

1. Adopt Resolution No. 15-042 adopting the Final 2014-2022 Housing Element (GPA-2013-02)
2. Make no further amendments to the General Plan (Community Vision 2040) adopted on December 4, 2014 (GPA-2013-01); and
3. Adopt Resolution No. 15-043, a policy establishing a process to review General Plan amendments

Description: Application No(s): GPA-2013-02, Applicant(s): City of Cupertino, Location: citywide, General Plan Amendment for Housing Element Updates; Application No(s): GPA-2013-01, Applicant(s): City of Cupertino, Location: citywide; General Plan Amendment to consider changes to citywide development allocations for office, commercial and hotel uses, building heights and planes along arterials, and a Community Benefits Program

Staff Report

[A - Housing Element Staff Report](#)

[A1 - Housing Element Draft Resolution No. 15-042](#)

[A2 - Housing Commission Resolution No. 15-01](#)

[A3 - Planning Commission Resolution No. 6777](#)

[A4 - August 28, 2014 Housing Commission Staff Report](#)

[A5 - Priority Housing Element Sites Summary and Maps](#)

[A6 - Pages from Housing Element with Redlined changes](#)

[A7 - Comment Letter to HCD](#)

[A8 - City Response to Comment Letter to HCD.pdf](#)

[A9 - HCD letter confirming Draft HE in substantial compliance](#)

[A10 - Public Comments on the Housing Element](#)

[B - General Plan Amendment Staff Report](#)

[B1 - Draft Resolution No. 15-043](#)

[B2 - December 2, 2014 City Council Staff Report](#)

[B3 - Concept Alternatives Maps](#)

[B4 - Feb 4, 2015 Workshop Summary](#)

[B5 - PD Survey On Forum Responses Summary](#)

[B6 - PD Survey Off Forum Responses Summary](#)

[B7 - White Paper on Development Management](#)

[B8 - Public Comments on GPA](#)

## **ORDINANCES AND ACTION ITEMS**

### **REPORTS BY COUNCIL AND STAFF**

8. Subject: Report on Committee assignments and general comments

Recommended Action: Report on Committee assignments and general comments

**ADJOURNMENT**

*The City of Cupertino has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a final decision of the City Council must be brought within 90 days after a decision is announced unless a shorter time is required by State or Federal law.*

*Prior to seeking judicial review of any adjudicatory (quasi-judicial) decision, interested persons must file a petition for reconsideration within ten calendar days of the date the City Clerk mails notice of the City's decision. Reconsideration petitions must comply with the requirements of Cupertino Municipal Code §2.08.096. Contact the City Clerk's office for more information or go to <http://www.cupertino.org/index.aspx?page=125> for a reconsideration petition form.*

*In compliance with the Americans with Disabilities Act (ADA), anyone who is planning to attend the next City Council meeting who is visually or hearing impaired or has any disability that needs special assistance should call the City Clerk's Office at 408-777-3223, 48 hours in advance of the Council meeting to arrange for assistance. Upon request, in advance, by a person with a disability, City Council meeting agendas and writings distributed for the meeting that are public records will be made available in the appropriate alternative format. Also upon request, in advance, an assistive listening device can be made available for use during the meeting.*

*Any writings or documents provided to a majority of the Cupertino City Council after publication of the packet will be made available for public inspection in the City Clerk's Office located at City Hall, 10300 Torre Avenue, during normal business hours and in Council packet archives linked from the agenda/minutes page on the Cupertino web site.*

*Members of the public are entitled to address the City Council concerning any item that is described in the notice or agenda for this meeting, before or during consideration of that item. If you wish to address the Council on any issue that is on this agenda, please complete a speaker request card located in front of the Council, and deliver it to the Clerk prior to discussion of the item. When you are called, proceed to the podium and the Mayor will recognize you. If you wish to address the City Council on any other item not on the agenda, you may do so by during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.*